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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,165	03/09/2005	Nicolas Ringot	0563-1039	9350

466 7590 06/15/2007
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EXAMINER

JOSEPH, DENNIS P

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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06/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/527,165	Applicant(s) RINGOT, NICOLAS	
	Examiner Dennis P. Joseph	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/527,165.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/9/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to application No. 10/527,165 on March 9 2005. Claims 1-11 are pending and have been examined.

Information Disclosure Statement

2. The information disclosure statement (IDS) was submitted on March 9, 2005 and is being considered by the examiner.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claim 7 objected to because of the following informalities: lack of antecedent basis. The use of 'the adjustment bar' as mentioned in Claim 7 is not mentioned in a dependent claim. Appropriate correction is required.

For purposes of examination, Claim 7 will depend upon Claim 4.

Claim Rejections – 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites therein, "if the rest of the screen is occupied by the display of a second function, the adjustment bar is positioned in simplified forum under the function indication." Instead of a second function being displayed, the display of a parameter of a second function is displayed. Appropriate correction is required.

For purposes of examination, as for simplifying the adjustment bar, the claim is broad enough that it did not specify any parameter on how the bar is simplified.

Claim Rejections – 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-11** rejected under 35 U.S.C. 102(b) as being anticipated by **Hiraka et al. (US 6,400,377 B1)**

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Hiraka teaches in Claim 1:

A method of controlling a multimedia apparatus, of the type using a graphic screen (Column 1, Line 65) and a bi-axial button (up/down-right/left) (Figure 2) characterized in that actuation of the bi-axial button in a first axis selects a function in a scrolling menu (Figures 13, 14 and 15A-H for example show scrolling menus) displayed on said graphic screen and in a continuous loop (Column 8, Lines 64-65) , and actuation of the bi-axial button in the second axis is for adjusting a parameter of the selected function. (Column 2, Lines 4-13) (Column 3 Lines 3-5 teach of using the bi-axial device to select functions and then also adjust parameters with the same bi-axial device.)

Hiraka teaches in Claim 2:

The method as claimed in claim 1, characterized in that the selected function appears permanently in the center of the scrolling menu. (Figure 13B shows the OSD menus to appear in the center of the screen to provide for parameter adjustment.)

Hiraka teaches in Claim 3:

The method as claimed in claim 1, characterized in that the scrolling menu is in the form of a cylinder or drum with horizontal axis when viewed laterally. (Figure 14B shows the adjustment item column to be in a cylindrical shape.)

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Hiraka teaches in Claim 4:

The method as claimed in claim 1, characterized in that, when the function has been selected, the range of adjustment of the parameter appears in the form of an adjustment bar extending perpendicular to the scrolling menu and being integral with the indication of the function. (Figure 14 shows that for the selected adjustment item, there are different possible settings for each and these are specific for which function is selected.)

Hiraka teaches in Claim 5:

The method as claimed in claim 4, characterized in that, for at least one function, the adjustment bar is in the form of a cursor on a graduated scale. (Column 1, Lines 46-52, incrementing and decrementing the value of the selected function indicative of a graduated change.)

Hiraka teaches in Claim 6:

The method as claimed in claim 4, characterized in that, for at least one function, the adjustment bar is in the form of a series of tabs. (Figure 14 shows a tab structure with several possibilities depending on which adjustment item is selected.)

Hiraka teaches in Claim 7:

The method as claimed in claim 1, characterized in that, if the rest of the screen is occupied by the display of a second function, the adjustment bar is positioned in simplified form under the function indication. (Column 9, Lines 3-6, inverted video for highlighting the selected

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adjustment item or function. This shows the adjustment bar in a simplified form, i.e. highlighted.)

Hiraka teaches in Claim 8:

The method as claimed in claim 1, characterized in that, in said scrolling menu, the unselected functions have a lesser visual importance than the selected function but remain displayed. (Column 9, Lines 3-6, inverted video for highlighting the selected adjustment item or function.)

Hiraka teaches in Claim 9:

The method as claimed in claim 1, characterized in that, in said scrolling menu, the selected function appears in reverse video relative to the other functions. (Column 9, Lines 3-6, inverted video for highlighting the selected adjustment item or function.)

Hiraka teaches in Claim 10:

A multimedia apparatus using the method as claimed in claim 1, characterized in that the bi-axial button is situated on the apparatus or remote from it. (Figure 2)

Hiraka teaches in Claim 11:

The method as claimed in claim 2, characterized in that the scrolling menu is in the form of a cylinder or drum with horizontal axis when viewed laterally. (Figure 14B shows the adjustment item column to be in a cylindrical shape.)

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Conclusions

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Schein et al. (US 6075575 A), Kataoka et al. (US 6636200 B2), Tsung-hsun (US 6683597 B1) are cited to teach bi-axial systems for selecting and changing the parameters of functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis P. Joseph whose telephone number is 571-270-1459. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on 571-272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DJ

AMR A. AWAD
SUPERVISOR - PATENT EXAMINER
